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U.S. DISTRICT COURT
DISTRICT OF MARYLAND
104 WEST STREET
BALTIMORE, MARYLAND 21201

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September 29, 2000

JACK L. HARVEY

RECEIVED IN THE OFFICE OF
UNITED STATES DISTRICT JUDGE

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VIA UPS OVERNIGHT MAIL

The Honorable Andre M. Davis
United States District Court for the District of Maryland
Garmantz Federal Courthouse
101 W. Lombard Street
Fifth Floor, Room 520
Baltimore, MD 21201

Re: *James A. Shreve, et ux. v. Sears, Roebuck and Co., et al.*
Case Number: AMD 00CV2162

Dear Judge Davis:

I represent Defendants Murray, Inc. and Sears, Roebuck and Co. in this case. I am writing you to request certain changes in the pre-trial deadlines in this case set by virtue of the scheduling order entered on July 21, 2000. I have conferred with Plaintiffs' counsel, Marshall Perkins, and he has agreed to the proposed changes.

The proposed changes are as follows:

| | |
|--|---|
| Defendants' Rule 26(a)(2) disclosures re experts | November 3, 2000 (from October 19) |
| Plaintiffs' rebuttal Rule 26(a)(2) disclosure re experts | November 21, 2000 (from November 2) |
| Rule 26(e)(2) supplementation of disclosures and responses | November 30, 2000 (from November 9) |
| Discovery deadline; submission of status report | January 3, 2001 (from December 4, 2000) |
| Requests for admission | January 10, 2001 (from December 11, 2000) |

The Honorable Andre M. Davis
September 29, 2000
Page 2

Dispositive pretrial motions deadline
(with briefing schedule set forth in
Local Rules)

February 1, 2001 (from January 2)

I initiated the proposed changes due to my concern about Defendants' ability to comply with the existing October 19 deadline for Rule 26(a)(2) expert disclosures. This was due to several reasons as follows:

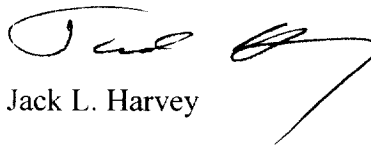
1. My continued extremely busy trial schedule, which tied me up for most of August and into early September and which again could tie me up in mid-October;
2. An important fact/expert witness for Defendants, Ray Elmy, is out of the country until October 8th;
3. On September 19, Plaintiffs designated three separate expert witnesses and produced lengthy reports in connection with these designations. Defendants' experts will need to analyze and respond to these submissions;
4. Defendants' liability expert will need to operate and test the snow thrower at issue and also review the sworn deposition testimony of Mr. Shreve in order to make a complete expert disclosure. The deposition of Mr. Shreve has been scheduled for October 3. The inspection of the snow thrower is set for October 12;
5. Defendants' experts are from out of town and their schedules remain extremely tight.

Mr. Perkins and I discussed different proposed changes to the pre-trial schedule as a result of my request for an extension of the October 19 deadline (which originally was a request to extend that deadline until November 13). During a telephone conversation on Tuesday, September 26, we agreed to the above-referenced changes in the pre-trial schedule. This should not affect the trial setting of May 11, 2001.

The Honorable Andre M. Davis
September 29, 2000
Page 3

Accordingly, I write the Court seeking its approval of the proposed changes in the pre-trial schedule to which counsel have agreed. I sent a draft of this letter to Mr. Perkins before sending it to you. I very much appreciate your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack L. Harvey", with a long, sweeping horizontal stroke extending to the right.

Jack L. Harvey

JLH:lss

cc: Marshall N. Perkins, Esq. (via facsimile and first class mail)